

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2025] SGHCF 9

Originating Summons (Probate) No 6 of 2024

Between

- (1) WVD
- (2) WVE
- (3) WVF

... Applicants

And

- (1) WUR
- (2) WUS
- (3) WUT
- (4) WUU
- (5) WUV
- (6) WUW
- (7) WUX
- (8) WUY
- (9) WUZ
- (10) WVA
- (11) WVB
- (12) WVC

... Respondents

JUDGMENT

[Civil Procedure — Appeals — Notice]
[Civil Procedure — Extension of time]

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WVD and others

v

WUR and others

[2025] SGHCF 9

General Division of the High Court (Family Division) — Originating
Summons (Probate) No 6 of 2024

Choo Han Teck J

22 January 2025

3 February 2025

Judgment reserved.

Choo Han Teck J:

1 This is an application for an extension of time to file for leave to file a notice of appeal out of time. The intended appeal is against the decision of the District Judge (the “DJ”) in *WUR and others v WVD and others* [2024] SGFC 13.

2 The first applicant is the sole executor and trustee of his late mother’s (the “Deceased”) estate. The second and third applicants are his children and the Deceased’s grandchildren. The first to fourth respondents are the Deceased’s sons, and the fifth to twelfth respondents are the Deceased’s grandchildren. All the parties are beneficiaries under the Deceased’s will.

3 In the hearing below, the respondents in this case commenced a suit against the applicants seeking, *inter alia*, for the first applicant to provide an

account of all the assets of the Deceased's estate following her demise on 29 April 2017. The second and third applicants were named as nominal defendants, and the first applicant's wife was appointed as their litigation representative because they were minors at that time. The respondents argued that the first applicant was in breach of his fiduciary duties as an executor and trustee of the Deceased's estate. In response, the first applicant argued that he fully discharged his duties as an executor and trustee of the Deceased's estate. On 7 March 2024, the court delivered its grounds of decision, finding that the first applicant had failed in his fiduciary duties as an executor and trustee of the estate. The DJ also directed the first applicant to produce the accounts of the Deceased's estate on a wilful default basis to the respondents.

4 Rule 825(b) of the Family Justice Rules 2014 requires every notice of appeal to be filed and served within 14 days after the date of the judgment. Since the judgment was delivered on 7 March 2024, the applicants must file their appeal by 21 March 2024. The applicants missed the deadline, and felt obliged to file an extension of time application pursuant to r 15(2) of the Family Justice Rules 2014 on 7 May 2024. This was exactly two months after the judgment was issued.

5 In his written submissions, the first applicant explains why his application had been delayed. His version of events is as follows:

(a) Between 14 March 2024 and 21 March 2024, the first applicant visited Legal Aid Bureau and Pro Brono SG to apply for financial and legal assistance.

(b) On 21 March 2024, the first applicant applied for an extension of time to file a notice of appeal to the Family Justice Courts.

(c) On 18 April 2024, the DJ ruled that the first applicant filed his application to the incorrect court and he should have filed it in the High Court.

(d) On 29 April 2024, the first applicant filed his application under the General Division of the High Court at the Supreme Court Service Bureau. The assigned case number was HC/OA 406/2024.

(e) On 30 April 2024, the first applicant received a notification from the court that his application needed to be filed under the Family Division of the High Court.

(f) On 2 May 2024, the first applicant submitted a notice of discontinuance/withdrawal of HC/OA 406/2024. He was unable to do so on 1 May 2024 because it was a public holiday. He also tried to file an originating summons under the Probate and Administration Act 1934 (2020 Rev Ed), but this was rejected on the basis that it was not the appropriate prayer and legislative basis.

(g) On 7 May 2024, the first applicant re-filed the originating summons pursuant to r 15(2) of the Family Justice Rules 2014. This is the case before me now.

6 It is settled law that in determining whether an extension of time should be granted to a party to file a notice of appeal out of time, four factors are to be considered: (a) the length of the delay; (b) the reasons for the delay; (c) the chances of the appeal succeeding if the time for appealing is extended; and (d) the prejudice caused to the would-be respondent if an extension of time is in fact granted: see *Lee Hsien Loong v Singapore Democratic Party and others and another suit* [2008] 1 SLR(R) 757 at [18].

7 In my view, the first applicant's failure to comply with the appropriate procedure for filing an appeal against the DJ's decision is not a satisfactory explanation for the long delay of 47 days. Regarding the hearing on 18 April 2024, the first applicant asserts that the DJ gave him oral leave to file his application for an extension of time at the High Court. However, this is disputed by the respondents and nothing in the record supports his claim. Even if I were to find that the length and reasons for the applicants' delay are acceptable, I am of the view that there are no merits in the intended appeal.

8 The applicants aver that the DJ failed to acknowledge the inconsistencies in the respondents' statements which reveal that the respondents used forged documents to advance their case. They insist that there was "direct evidence" of forgery but have no evidence in support. They also allege that the DJ did not consider certain statutes which would have had a consequential effect on the DJ's decision. To support this assertion, they set out a list of various statutes without explaining how exactly these statutes are relevant to their case. It is clear to me that there has been no *prima facie* error of law made by the DJ. Contrary to the applicants' arguments, there is also no question of general principle which is decided for the first time, nor any question of law in which a decision made at the High Court would be of public advantage. I am of the opinion that the appeal is thus without merits.

9 Further, I accept the respondents' argument that there may be prejudice caused to them if an extension of time is granted. Such prejudice may not be sufficiently compensated by an appropriate order as to costs. The first applicant already has an outstanding costs order of \$70,000 from the court below and has indicated in his affidavit that he tried to seek financial assistance from the Legal Aid Bureau and Pro Bono SG for this intended appeal. Therefore, there are

cogent reasons to believe that he may not be able to satisfy any potential costs orders made against him in this matter.

10 During the hearing before me, the first applicant also sought to adduce an additional affidavit without obtaining leave. I find that the additional affidavit is irrelevant to the current proceedings.

11 Finally, the applicants must be reminded that it is the duty of executors to carry out the wishes of the testator in accordance with his/her will. The DJ's order, amongst others, is simply for the first applicant to provide an account of all assets of the Deceased's estate. That is a basic duty of an executor. The first applicant has not done so and was rightly called upon to fulfil their legal obligations. The applicants claim that the Deceased depleted the contested sum of roughly \$800,000 in her lifetime. If that were so, it must be proven through proper accounting in the first applicant's capacity as the executor and trustee.

12 For the reasons above, I dismiss the application. Parties are to file their submission on costs by 27 February 2025.

- Sgd -
Choo Han Teck
Judge of the High Court

The applicants in person;
Ramesh s/o Varathappan (Legal Minds Practice LLC) and Dew
Wong (Dew Chambers) for the respondents.